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**Attn: Patrick Forster, Senior Engineer**  
**Room 3-A104**  
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**Wireless Telecommunications Bureau**

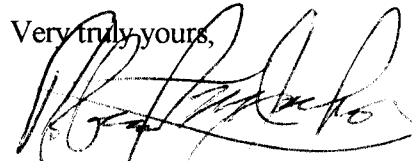
**Re: CC Communications,**  
**Request for Temporary Waiver of Section 20.18(g),**  
**CC Docket No. 94-102.**

Dear Ms. Salas:

On behalf of CC Communications, we are transmitting herewith its request for a temporary waiver of the Commission's Rules for implementing E-911 Phase II service.

Please refer any inquiries or correspondence in connection with this matter to our offices.

Very truly yours,



Robert M. Jackson  
Attorney for CC Communications

Attachment  
cc(w/att): Donald A. Mello

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility With	)	
Enhanced 911 Emergency Calling	)	
Systems	)	

**To: Chief, Wireless Telecommunications Bureau**

**REQUEST FOR RULE WAIVER**

CC Communications ("CC") (TRS Number 808143) hereby requests, for the reasons stated by Verizon Wireless ("Verizon") in its "Updated Phase II E911 Report and Request for Limited Waiver" ("Verizon Request") filed July 25, 2001 in this Docket, a temporary waiver of Section 20.18(g) of the Commission's Rules to allow it to delay the phase-in of its deployment of a network assisted Global Positioning System/Advanced Forward Link Trilateration ("AGPS/AFLT") handset-based solution of E-911 Phase II location technology. The reasons in support of the Verizon Request advanced by Verizon are incorporated herein by reference.

**I) Background**

1. CC is the licensee of Cellular Radiotelephone Service Station KNKN223, the Frequency Block B cellular system serving the Nevada 1 - Humboldt Rural Service Area. CC is a small carrier operating a stand-alone cellular system serving a rural area which is sparsely populated. CC is owned by the government of Churchill County, Nevada, and, accordingly, is a government-owned entity.

2. In its E-911 implementation report filed with the Commission in November 2000, CC noted: a) that Verizon is the

Frequency Block B cellular carrier serving the Sacramento, California MSA (the "Sacramento MSA"); and b) that switching functions for CC's cellular system are performed by Verizon's Sacramento MSA Motorola EMX 2500 cellular switch. CC's E-911 implementation report further stated that it intends "to utilize the same [Automatic Location Information ("ALI")] technology (be it handset-based or network-based) and the same brand of ALI equipment as deployed by Verizon for its Sacramento MSA system," which Verizon has now identified as the network assisted AGPS/AFLT handset solution. CC's November 2000 E-911 implementation report further noted it had received no Phase I or Phase II E-911 ALI requests from the Public Safety Answering Points ("PSAPs").

3. As stated in the Verizon Request:

Although Verizon is persuaded that the AGPS/AFLT is the best solution available, and will press forward to deploy AGPS/AFLT as aggressively as possible, it will be unable to meet the rules' deadlines for Phase II compliance because the network upgrades and Phase II-capable handsets will not be available in time. Verizon Wireless therefore seeks a limited waiver from Section 20.18(g) of the Commission's rules to deploy AGPS/AFLT on a timeline that is based on the scheduled switch and cell software releases from its three network infrastructure vendors (Lucent, Nortel and Motorola) and the availability of compliant handsets. To meet the Commission's requirement that carriers "come as close as possible" to implementing a compliant solution, Verizon Wireless proposes a series of steps that are premised on the successful completion of the First Office Application ("FOA") process, which includes testing equipment in Verizon Wireless' system. Verizon Wireless will:

- \* Begin deploying the network-assisted portion of AGPS/AFLT by October 1, 2001 at its switches and cell sites for Lucent markets, January 1, 2002 for Nortel markets, and November 1, 2002 for Motorola markets;
- \* Complete deployment of these network upgrades by April 1, 2002 for Lucent markets, August 1, 2002 for Nortel markets, and March 1, 2003 for Motorola markets;

- \* Begin selling AGPS/AFLT Phase II-compliant handsets in December 2001;
  - \* Meet the following milestones for new handset activations:
    - \* 25% of new activations by July 31, 2002
    - \* 50% of new activations by March 31, 2003
    - \* 100% of new activations by December 31, 2003
    - \* 95% of embedded use by December 31, 2005.
- (Verizon Request, pp. 4-5).

#### **II) Commitment to Achieving Compliance**

4. Since November 2000, CC has been diligent in pursuing deployment of E-911 Phase II technology in a timely manner. As noted in the Verizon Request, network upgrade equipment and the subscriber handsets are not yet commercially available for the network assisted AGPS/AFLT handset-based ALI application. Therefore, despite its best efforts and due to circumstances beyond its ability to control, CC recognizes that it will not be able to meet the phase-in schedule established in the Commission's Fourth Memorandum Opinion and Order, 15 FCC Rcd. 17442 (2000) and embodied in Section 20.18(g) of the Rules.

#### **III) Waiver Request**

5. Accordingly, CC requests a waiver of Section 20.18(g)(1), to allow it to delay the handset activation deadlines therein; and a waiver of Section 20.18(g)(2) of the Rules, to defer the requirement for upgrading its infrastructure and begin delivering E-911 Phase II service to a requesting PSAP, until such time as the necessary equipment is available from the manufacturers and can be installed and handsets obtained.

#### **IV) Waiver Standards**

6. In its Fourth Memorandum Opinion and Order, 15 FCC Rcd. 17442 (2000), the Commission indicated that the Phase II rules are intended to be applied in a manner that takes into account the practical and technical realities.<sup>1</sup> Recognizing that practical and technical realities might delay Phase II implementation, the Commission established a general approach to dealing with possible requests for waiver of the Phase II requirements.<sup>2</sup> Thus, the Commission provided that its rules may be waived for good cause shown, consistent with Section 1.3 of the Rules.<sup>3</sup> It recognized, in the case of E-911, that there could be instances where technology-related issues or exceptional circumstances may mean that deployment of phase II may not be possible by October 1, 2001.<sup>4</sup> The Commission cautioned that waiver requests should be specific, focused and limited in scope, with a clear path to full compliance and should document the efforts aimed at compliance.<sup>5</sup>

**V) CC Has Met The Waiver Standards**

7. As shown above, CC has met the Commission's standards for obtaining the requested waiver of Section 20.18(g) of the Commission's Rules. While Section 20.18 of the Rules imposes E-911 Phase II obligations only on Commission licensees (by reason of limitations on the Commission's statutory authority), the

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<sup>1</sup> 15 FCC Rcd. 17442 at Para. 22.

<sup>2</sup> Id. at Paras. 42-45.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

Commission has repeatedly acknowledged the obvious, i.e., that achieving full compliance requires the cooperative efforts of carriers, equipment manufacturers and suppliers, and government officials responsible for public safety activities. As a service provider only, CC would be unable to achieve compliance with the Commission's Phase II requirements without the availability of necessary equipment and the readiness of the PSAPs in this area; and, as a small carrier, CC lacks the economic leverage to influence the decisions of equipment manufacturers. The simple truth is that there is no technology currently available commercially that will satisfy the Commission's Phase II accuracy requirements within the established deadlines.<sup>6</sup> It is only recently that ALI technology has advanced to the point where Phase II compliance can become a reality. However, once compliant equipment is available in the marketplace, it will undoubtedly be several more months before CC will be able to obtain delivery of this equipment.

8. Grant of the limited request for waiver contained herein is in the public interest. CC has been diligent in pursuing implementation of Phase II but is unable to do so entirely because of matters that are beyond its ability to control. The instant waiver request is specific and focused. It details the unavoidable delays that CC has encountered through no fault of its own. It sets out a clear path to compliance once the necessary equipment

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<sup>6</sup> See "Petition for Waiver" in this docket filed August 31, 2001 by Triton PCS License Company, L.L.C., pp. 4-5.

becomes available. In addition, the public interest will not be prejudiced by grant of the requested waiver. As noted above, CC has received no E-911 implementation requests from the local PSAPs in its service area.

**WHEREFORE**, good cause shown, CC requests that the requested waiver be granted.

Respectfully submitted,  
CC Communications

Dated: 9/28/01

By:

  
Donald A. Mello  
General Manager

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